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4 TION ALONZO HILL,
5 Plaintiff,

6 v.
7 JOSHUA ARNOLD, et al.,
8 Defendants.

Case No. 09-cv-05434-TEH

ORDER RE: SUBPOENAS OF NON-PARTY WITNESSES

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10 On the first day of trial, it was brought to the Court's attention that Plaintiff may
11 have served subpoenas for certain non-party witnesses' attendance at trial on the San
12 Francisco Mayor's Office, even though the witnesses are officers of the San Francisco
13 Sheriff's Department.

14 "Serving a subpoena requires delivering a copy to the named person . . ." Fed. R.
15 Civ. P. 45(b)(1). "The longstanding interpretation of Rule 45 has been that personal
16 service of subpoenas is required." 9A Charles Alan Wright & Arthur R. Miller, Federal
17 Practice and Procedure § 2454 (3d ed. 2015); *see also Chima v. U.S. Dep't of Def.*, 23 F.
18 App'x 721, 724 (9th Cir. 2001); *In re Smith*, 126 F.R.D. 461, 462 (E.D.N.Y. 1989).

19 Considering the authorities cited above, the Court is not convinced that it has the
20 authority to compel the attendance of any improperly served witnesses. Should this issue
21 remain unresolved by the parties at the time for any allegedly improperly served witness to
22 testify, Plaintiff is instructed to promptly file a motion with citations to authority in support
23 of his actions and requested relief.

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25 **IT IS SO ORDERED.**

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27 Dated: 06/09/15

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THELTON E. HENDERSON
United States District Judge